

16 MAR 1981

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Dear [REDACTED]

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This is in response to your letter of 24 February 1981 in which you requested information under the Freedom of Information Act (FOIA). Specifically, you asked for information on the following:

Section I - List of specific documents.

Section II - List of CIA operations, branches, divisions, offices, etc., as they may record attempts at the elimination of Fidel Castro or any other Cuban government leader between 1959 and 1965.

Section III - Two specific undated documents.

Section IV - List of named individuals whose files you requested to be searched for information on the assassination of Fidel Castro or any other Cuban government official between 1959 and 1965.

Before we conduct a search of our files concerning your request, we need to clarify certain areas of your request.

Under the FOIA, a requester must reasonably describe the documents he is requesting. While we can probably comply with Sections I, II, and III of your request, Section IV does not meet the criteria for a reasonable search. Under the FOIA, an agency is not required to create records in response to a request or to do research on behalf of the public. The latter part of your request, couched in its present phraseology, not only lacks the specificity prescribed in the FOIA, but it would also require us to perform research as well as indulge in speculation. We recommend that you narrow the scope of your request as it pertains to Section IV. The FOIA requires that the records sought be described in a precise enough manner to permit their identification and recovery with a reasonable amount of effort.

Also, if an individual requests information from a Federal agency on a third party, it is very helpful if the requester provides a notarized release from the person whose records are concerned. Otherwise, every document surfaced would have to be carefully reviewed in order to avoid an unwarranted invasion of the third party's privacy. Essentially, without such a release, we could send the requester little more than that information already in the public domain--newsclips and the like.

Additionally, in order to conduct a meaningful search of our files, we would need basic biographical data on the named individuals. This would include full name, date and place of birth, citizenship, whether or not they are deceased, and any other data that might identify them. Without this information to direct our search, the search costs would be much higher.

With respect to your request for a fee waiver, I have reviewed and considered the terms of your FOIA request and the amount and character of the information already in the public domain. I have determined that the information which you seek from Agency files would not primarily result in substantive benefit to the public. Accordingly, in this instance, search and reproduction fees must be charged.

As to costs, experience has shown that processing costs on an individual runs about \$100. Depending upon the complexity of the request, the charges could be much greater. As you can see, the costs of this request would almost be prohibitive as well as time-consuming to complete. If we hold voluminous material on these individuals, our processing would take several years, as we have a substantial backlog of requests similar to yours. We must, because of this backlog, operate on the principle of first-in, first-out. Moreover, we would like to point out that most of the releasable information on these subjects is already in the public domain as a result of prior investigations, FOIA requests, etc. We can, if you wish, obtain a fee estimate from those components in the Agency which would most likely contain the information you are seeking.

A copy of our current schedule of fees is enclosed for your guidance. We will hold action on your request in abeyance pending receipt of your firm commitment to pay all search and reproduction charges which may be incurred in processing the request. You will note that you will be liable for all search fees even though we may locate no relevant records, or no records that are releasable under the FOIA.

We shall await your reply before taking further action on this matter. Thank you for your patience and understanding.

Sincerely,

[Redacted Signature]

John E. Bacon
Information and Privacy Coordinator

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Enclosure

IPD/MAH/nkl 11 Mar 81

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FWR: denied

SPR (fees)